

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Bankruptcy Appeal No.: 4:05 CV 40037RGS

IN RE: EMILE E. MORAD

CREDITOR-APPELLEE STELLA XIFARAS' MOTION TO DISMISS

Creditor-Appellee Stella Xifaras moves to dismiss Debtor-Appellant Emile Morad's bankruptcy appeal in this case due to his failure to file a brief.

The initial deadline for Morad's brief was April 26, 2005. On April 29, 2005, three days after the deadline, Morad filed a motion to extend his deadline to May 10, 2005. The motion was allowed with opposition. On May 11, 2005, one day after the deadline, Morad filed a second motion to extend his deadline to July 15, 2005. The motion was allowed with opposition, subject to the condition that "no further extensions will be granted."

It is now 19 days since the final deadline expired, and Morad has yet to file his brief. For these reasons, Xifaras requests that Morad's bankruptcy appeal be dismissed due to his failure to obey the scheduling order and subsequent rulings.

Appellee-Creditor Stella Xifaras,
By her Attorneys,

LAW OFFICES OF
BEAUREGARD, BURKE & FRANCO

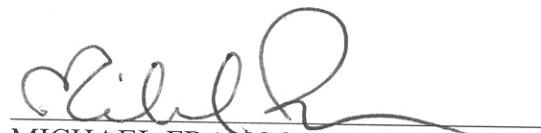


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Dated: August 3, 2005

CERTIFICATE OF SERVICE

I, Michael Franco, do hereby certify that I have caused copies of Appellee-Creditor Stella Xifaras' Motion to Dismiss to John Aquino, Esq., Anderson & Aquino, LLP, 260 Franklin Street, Boston, MA 02110, John S. Rodman, Mauser & DePiano, 98 N. Washington Street, Suite 305, Boston, MA 02114-1913, and Emile Morad, Sr., Esq. 460 County Street, New Bedford, MA 02740 and 1340 Drift Road, Westport, MA 02790, via first class mail, postage prepaid, this 3rd day of August, 2005.



MICHAEL FRANCO BBO# 567091